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SENATE

{ REPORT
110-381

CELEBRATING AMERICA'S HERITAGE ACT

JUNE 16, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 1483]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1483) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Celebrating America’s Heritage Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definition of Secretary.

TITLE I—DESIGNATIONS

Subtitle A—Muscle Shoals National Heritage Area

- Sec. 1101. Purposes.
- Sec. 1102. Definitions.
- Sec. 1103. Establishment.
- Sec. 1104. Duties and authorities of local coordinating entity.
- Sec. 1105. Management plan.
- Sec. 1106. Duties and authorities of the secretary.
- Sec. 1107. Relationship to other Federal agencies.
- Sec. 1108. Property owners and regulatory protections.
- Sec. 1109. Authorization of appropriations.
- Sec. 1110. Termination of financial assistance.

Subtitle B—Santa Cruz Valley National Heritage Area

- Sec. 1201. Purposes.
- Sec. 1202. Definitions.
- Sec. 1203. Establishment.
- Sec. 1204. Duties and authorities of local coordinating entity.
- Sec. 1205. Management plan.
- Sec. 1206. Duties and authorities of the secretary.
- Sec. 1207. Relationship to other Federal agencies.
- Sec. 1208. Property owners and regulatory protections.
- Sec. 1209. Authorization of appropriations.
- Sec. 1210. Termination of financial assistance.

TITLE II—STUDY

- Sec. 2001. Northern Neck National Heritage Area Study.

TITLE III—TECHNICAL AMENDMENTS

- Sec. 3001. Erie Canalway National Heritage Corridor technical corrections.
- Sec. 3002. John H. Chafee Blackstone River Valley National Heritage Corridor.

SEC. 3. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Interior.

TITLE I—DESIGNATIONS

Subtitle A—Muscle Shoals National Heritage Area

SEC. 1101. PURPOSES.

The purposes of this subtitle are—

- (1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;
- (2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;
- (3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;
- (4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;
- (5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and
- (6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

SEC. 1102. DEFINITIONS.

In this subtitle:

- (1) HERITAGE AREA.—The term “Heritage Area” means the Muscle Shoals National Heritage Area established by section 1103(a).
- (2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by section 1103(d).
- (3) MANAGEMENT PLAN.—The term “management plan” means the plan for the Heritage Area required under section 1104(a)(1).
- (4) MAP.—The term “map” means the map entitled “Muscle Shoals National Heritage Area”, numbered T08/80,000, and dated October 2007.
- (5) STATE.—The term “State” means the State of Alabama.

SEC. 1103. ESTABLISHMENT.

- (a) IN GENERAL.—There is established the Muscle Shoals National Heritage Area in the State.
- (b) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(1) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(2) The Wilson Dam.

(3) The Handy Home.

(4) The birthplace of Helen Keller.

(c) AVAILABILITY MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(d) LOCAL COORDINATING ENTITY.—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.

SEC. 1104. DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(1) prepare, and submit to the Secretary, in accordance with section 1105, a management plan for the Heritage Area;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle specifying—

(A) the accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds;

(4) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and

(5) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.

(b) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this subtitle to—

(1) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(3) to hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this subtitle to acquire any interest in real property.

SEC. 1105. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan for the Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(2) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(4) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(6) describe a program for implementation of the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(c) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this Act until the management plan is submitted to, and approved by, the Secretary.

(d) **APPROVAL OF MANAGEMENT PLAN.**—

(1) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(2) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.

(3) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under applicable laws or land use plans;

(E) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan;

(F) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 1106. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or non-reimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under paragraph (1).

(b) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under section 1110, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this Act for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under this paragraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of a report under this paragraph, the Secretary shall submit the report to—

- (i) the Committee on Energy and Natural Resources of the Senate;
- and
- (ii) the Committee on Natural Resources of the House of Representatives.

SEC. 1107. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

- (1) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;
- (2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or
- (3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 1108. PROPERTY OWNERS AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

- (1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;
- (2) requires any property owner to—
 - (A) permit public access (including Federal, tribal, State, or local government access) to the property; or
 - (B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;
- (3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;
- (4) conveys any land use or other regulatory authority to the local coordinating entity;
- (5) authorizes or implies the reservation or appropriation of water or water rights;
- (6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or
- (7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 1109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) AVAILABILITY.—Funds made available under subsection (a) shall remain available until expended.

(c) COST-SHARING REQUIREMENT.—

- (1) IN GENERAL.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent.
- (2) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(d) USE OF FEDERAL FUNDS FROM OTHER SOURCES.—Nothing in this subtitle precludes the local coordinating entity from using Federal funds available under provisions of law other than this subtitle for the purposes for which those funds were authorized.

SEC. 1110. TERMINATION OF FINANCIAL ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Santa Cruz Valley National Heritage Area

SEC. 1201. PURPOSES.

The purposes of this subtitle are—

- (1) to establish the Santa Cruz Valley National Heritage Area in the State of Arizona;
- (2) to implement the recommendations of—
 - (A) the “Alternative Concepts for Commemorating Spanish Colonization” study completed by the National Park Service in 1991; and
 - (B) the “Feasibility Study for the Santa Cruz Valley National Heritage Area” prepared by the Center for Desert Archaeology in July 2005;
- (3) to provide a management framework—
 - (A) to foster a close working relationship with all levels of government, the private sector, and the local communities in the region; and
 - (B) to conserve the heritage of the region while continuing to pursue compatible economic opportunities;
- (4) to assist communities, organizations, and citizens in the State in identifying, preserving, interpreting, and developing the historic, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and
- (5) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations in the Heritage Area.

SEC. 1202. DEFINITIONS.

In this subtitle:

- (1) **HERITAGE AREA.**—The term “Heritage Area” means the Santa Cruz Valley National Heritage Area established by section 1203(a).
- (2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 1203(d).
- (3) **MANAGEMENT PLAN.**—The term “management plan” means the plan for the Heritage Area required under section 1204(a)(1).
- (4) **MAP.**—The term “map” means the map entitled “Santa Cruz Valley National Heritage Area, Pima and Santa Cruz Counties, Arizona”, numbered T09/80,000, and dated November 13, 2007.
- (5) **STATE.**—The term “State” means the State of Arizona.

SEC. 1203. ESTABLISHMENT.

- (a) **IN GENERAL.**—There is established the Santa Cruz Valley National Heritage Area in the State.
- (b) **BOUNDARIES.**—The Heritage Area shall consist of portions of Santa Cruz and Pima Counties, Arizona, as depicted on the map.
- (c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of—
 - (1) the National Park Service; and
 - (2) the local coordinating entity.
- (d) **LOCAL COORDINATING ENTITY.**—The Santa Cruz Valley Heritage Alliance, Inc., shall be the local coordinating entity for the Heritage Area.

SEC. 1204. DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.

- (a) **DUTIES.**—To further the purposes of the Heritage Area, the local coordinating entity shall—
 - (1) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;
 - (2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—
 - (A) the specific performance goals and accomplishments of the local coordinating entity;
 - (B) the expenses and income of the local coordinating entity;
 - (C) the amounts and sources of matching funds;
 - (D) the amounts leveraged with Federal funds and sources of the leveraged funds; and
 - (E) grants made to any other entities during the fiscal year;
 - (3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

- (4) encourage, by appropriate means, economic viability and sustainability that is consistent with the purposes of the Heritage Area.
- (b) **AUTHORITIES.**—For the purposes of preparing and implementing the approved management plan for the Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—
 - (1) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;
 - (2) enter into cooperative agreements with or provide technical assistance to political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;
 - (3) hire and compensate staff, including individuals with expertise in—
 - (A) natural, historical, cultural, educational, scenic, and recreational resource conservation;
 - (B) economic and community development; and
 - (C) heritage planning;
 - (4) obtain funds or services from any source, including funds and services provided under any other Federal law or program;
 - (5) contract for goods or services; and
 - (6) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.
- (c) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this subtitle to acquire any interest in real property.
- (d) **OTHER SOURCES.**—Nothing in this subtitle precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

SEC. 1205. MANAGEMENT PLAN.

- (a) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.
- (b) **REQUIREMENTS.**—The management plan for the Heritage Area shall—
 - (1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;
 - (2) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;
 - (3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;
 - (4) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, interpreted, managed, funded, and developed;
 - (5) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;
 - (6) describe a program for implementation of the management plan, including—
 - (A) performance goals;
 - (B) plans for resource protection, enhancement, interpretation, funding, management, and development; and
 - (C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government, organization, business, or individual;
 - (7) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this subtitle; and
 - (8) include a business plan that—
 - (A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

- (B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.
- (c) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this subtitle until the management plan is submitted to, and approved by, the Secretary.
- (d) **APPROVAL OF MANAGEMENT PLAN.**—
 - (1) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.
 - (2) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.
 - (3) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—
 - (A) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;
 - (B) the local coordinating entity—
 - (i) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and
 - (ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;
 - (C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;
 - (D) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable public land laws or land use plans;
 - (E) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan;
 - (F) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and
 - (G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.
 - (4) **ACTION FOLLOWING DISAPPROVAL.**—
 - (A) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—
 - (i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and
 - (ii) may make recommendations to the local coordinating entity for revisions to the management plan.
 - (B) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.
 - (5) **AMENDMENTS.**—
 - (A) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.
 - (B) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

SEC. 1206. DUTIES AND AUTHORITIES OF THE SECRETARY.

- (a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—
 - (1) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or non-

reimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under paragraph (1).

(b) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under section 1210, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—
(i) accomplishing the purposes of this subtitle for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under this paragraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of a report under this paragraph, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

SEC. 1207. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 1208. PROPERTY OWNERS AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 1209. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) **AVAILABILITY.**—Amounts made available under subsection (a) shall remain available until expended.

(c) **COST-SHARING REQUIREMENT.**—

(1) **IN GENERAL.**—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent.

(2) **FORM.**—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 1210. TERMINATION OF FINANCIAL ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

TITLE II—STUDY

SEC. 2001. NORTHERN NECK NATIONAL HERITAGE AREA STUDY.

(a) **DEFINITIONS.**—In this section:

(1) **PROPOSED HERITAGE AREA.**—The term “proposed Heritage Area” means the proposed Northern Neck National Heritage Area.

(2) **STATE.**—The term “State” means the State of Virginia.

(3) **STUDY AREA.**—The term “study area” means the area that is comprised of—

(A) the area of land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;

(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and

(C) any other area that—

(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and

(ii) is located adjacent to, or in the vicinity of, those areas.

(b) **STUDY.**—

(1) **IN GENERAL.**—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) **REQUIREMENTS.**—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historical, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The report shall contain—

(I) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

TITLE III—TECHNICAL AMENDMENTS

SEC. 3001. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “27” and inserting “at least 21 members, but not more than 27”;

(ii) in paragraph (2), by striking “Environment” and inserting “Environmental”; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking “19”;

- (II) by striking subparagraph (A);
 - (III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;
 - (IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and
 - (V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:
 - “(C) The remaining members shall be—
 - “(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and
 - “(ii) persons that are residents of, or employed within, the applicable congressional districts.”;
 - (B) in subsection (f), by striking “Fourteen members of the Commission” and inserting “A majority of the serving Commissioners”;
 - (C) in subsection (g), by striking “14 of its members” and inserting “a majority of the serving Commissioners”;
 - (D) in subsection (h), by striking paragraph (4) and inserting the following:
 - “(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and
 - “(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates;”;
 - (E) in subsection (j), by striking “10 years” and inserting “15 years”;
 - (2) in section 807—
 - (A) in subsection (e), by striking “with regard to the preparation and approval of the Canalway Plan”; and
 - (B) by adding at the end the following:
 - “(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.”; and
 - (3) in section 810(a)(1), in the first sentence, by striking “any fiscal year” and inserting “any fiscal year, to remain available until expended”.
- SEC. 3002. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.**
- Section 3(b)(2) of Public Law 99-647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—
- (1) by striking “shall be the the” and inserting “shall be the”; and
 - (2) by striking “Directors from Massachusetts and Rhode Island,” and inserting “Directors from Massachusetts and Rhode Island, ex officio, or their delegates;”.

PURPOSE

The purposes of H.R. 1483, as ordered reported, are to establish the Muscle Shoals National Heritage Area in the State of Alabama, and the Santa Cruz Valley National Heritage Area in the State of Arizona; to authorize a study of a potential Northern Neck National Heritage Area in the Commonwealth of Virginia; and to make technical and clarifying amendments to the Erie Canalway National Heritage Corridor in the State of New York and the John H. Chafee Blackstone River Valley National Heritage Corridor in the State of Rhode Island and the Commonwealth of Massachusetts.

BACKGROUND AND NEED

As ordered reported, H.R. 1483 includes authorizations for two new national heritage areas, the Muscle Shoals National Heritage Area in Alabama and the Santa Cruz Valley National Heritage Corridor in Arizona. The bill also authorizes a study of the Northern Neck region in northern Virginia to determine whether the

area is appropriate for national heritage area designation, and makes technical and clarifying changes to two national heritage corridors.

The Muscle Shoals National Heritage Area would include six counties in northwestern Alabama. The area is named after the Muscle Shoals of the Tennessee River, noted for its historic navigation hazards due to treacherous shoals. The completion of the Wilson Dam in 1925 created a lake over the shoals, and the facilities were transferred to the Tennessee Valley Authority upon its establishment in 1933. As a result, Muscle Shoals is generally considered the birthplace of the TVA. The proposed heritage area also includes several antebellum homes and other examples of early American architecture, and includes many historically significant towns and cities.

The Santa Cruz Valley National Heritage Area encompasses over 3,300 square miles of the upper and middle Santa Cruz River watershed and the upper Sonoran Desert. The heritage area includes the city of Tucson and two National Park System units, Saguaro National Park and Tumacacori National Historical Park. The Juan Bautista de Anza National Historic Trail also crosses through the area. The area is home to abundant wildlife, including over 200 migratory bird species. The Santa Cruz Valley has a rich cultural heritage, and still contains 18th Century Spanish Missions. Spanish cultural traditions still play a prominent role in the area's identity.

The study of the proposed Northern Neck National Heritage Area includes a part of Virginia between the Potomac and Rappahannock Rivers. The Northern Neck of Virginia was described by George Washington as "the Garden of Virginia." The Northern Neck region was the birthplace of our first President, and of James Madison, the fourth President, and James Monroe, the fifth. The region includes the George Washington Birthplace National Monument.

LEGISLATIVE HISTORY

H.R. 1483, sponsored by Representative Regula, passed the House of Representatives by a vote of 291–122 on October 24, 2007. The Subcommittee on National Parks held a hearing on H.R. 1483 on April 23, 2008.

At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered H.R. 3332 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1483, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of H.R. 1483, the Committee adopted an amendment in the nature of a substitute. As passed by the House of Representatives, H.R. 1483 authorized the establishment of six new National Heritage Areas, the study of one new area, and technical amendments and extensions of authorizations for several

other areas. Three of those areas, the Journey Through Hallowed Ground National Heritage Area, the Niagara Falls National Heritage Area, and the Abraham Lincoln National Heritage Area, as well as the extension of authorizations and several of the technical amendments, were also included in S. 2739, which was signed into law on May 8, 2008 (Public Law 110–229). The substitute amendment removes those provisions from H.R. 1483 that have now been signed into law. With respect to the remaining areas included in the amendment, the amendment removes the findings and makes other conforming amendments so that the authorization for the heritage areas is consistent with other heritage bills reported by the Committee. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Celebrating America’s Heritage Act”.

Section 2 contains the table of contents.

Section 3 defines the term “Secretary” to mean the Secretary of the Interior.

Title I—National Heritage Area Designations

Subtitle A—Muscle Shoals National Heritage Area

Section 1101 describes the purposes of the subtitle.

Section 1102 defines key terms used in the subtitle.

Section 1103(a) establishes the Muscle Shoals National Heritage Area (“heritage area”) in the State of Alabama.

Subsection (b) describes the boundaries of the heritage area as depicted on the referenced map.

Subsection (c) states that a map of the heritage area shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

Subsection (d) designates the Muscle Shoals Regional Center as the local coordinating entity for the heritage area.

Section 1104(a) details the duties of the local coordinating entity.

Subsection (b) lists the authorities of the local coordinating entity. The subsection authorizes the local coordinating entity to use Federal funds to prepare activities recommended in the management plan for the heritage area, pay for operational expenses, make grants and enter into cooperative agreements, hire staff, obtain funds or services from any source, and contract for goods or services.

Subsection (c) prohibits the local coordinating entity from using Federal funds made available under this Act to acquire any real property or interest therein.

Section 1105(a) requires the local coordinating entity to prepare and submit for review a management plan to the Secretary not later than three years after the date on which the funds are made available to carry out this Act.

Subsection (b) lists the requirements for the contents of the management plan.

Subsection (c) states that if the management plan is not submitted within the three-year period, Federal funding is suspended until the plan is submitted to the Secretary.

Subsection (d) requires the Secretary to approve or disapprove of the management plan within six months after the receiving the plan and lists the criteria the Secretary is to consider in determining whether to approve or disapprove the plan.

Section 1106(a) authorizes the Secretary to provide technical and financial assistance to the local coordinating entity to develop and implement the management plan.

Subsection (b) requires the Secretary to conduct an evaluation of the accomplishments of the national heritage area not later than three years before the date Federal funding authority terminates. The evaluation shall assess the progress of the management entity with respect to accomplishing the purposes of this Act for the heritage area and whether the management entity achieved the goals and objectives of the approved management plan for the heritage area. The evaluation is also required to analyze governmental investments in the heritage area to determine the leverage and impact of the investments. The Secretary is directed to prepare a report, based on the evaluation, that includes recommendations for the future role of the National Park Service, if any, for the heritage area. If the report recommends that Federal funding for the area be reauthorized, it is required to include an analysis of ways Federal funding may be reduced or eliminated. The report is to be submitted to the House and Senate authorizing committees.

Section 1107(a) states nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

Subsection (b) encourages the head of any Federal agency planning to conduct activities that may have an impact on the heritage area to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent possible.

Subsection (c) clarifies that nothing in this Act shall modify any use or law authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency and it limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage area.

Section 1108 contains several savings provisions to clarify that the designation of the national heritage area will not affect private property rights, affect governmental land use regulation, reserve or appropriate water rights, diminish the authority of the State to manage fish and wildlife, or create any liability for property owners within the heritage area.

Section 1109(a) authorizes the total appropriations of \$10 million, with not more than \$1 million authorized to be appropriated for any fiscal year.

Subsection (b) states amounts made available under subsection (a) shall remain available until expended.

Subsection (c) requires Federal funding to be matched on a 50:50 basis with funds from non-Federal sources.

Section 1110 provides that the authority of the Secretary to provide financial assistance under the Act terminates 15 years after the date of enactment.

Subtitle B—Santa Cruz Valley National Heritage Area

Section 1201 describes the purposes of the subtitle.

Section 1202 defines key terms used in the subtitle.

Section 1203(a) establishes the Santa Cruz Valley National Heritage Area (“heritage area”) in the State of Arizona.

Subsection (b) describes the boundaries of the heritage area as depicted on the referenced map.

Subsection (c) states that a map of the heritage area shall be on file and available for public inspection in appropriate offices of the National Park Service and the local coordinating entity.

Subsection (d) designates the Santa Cruz Valley Heritage Alliance, Inc. as the local coordinating entity for the heritage area.

Section 1204(a) details the duties of the local coordinating entity

Subsection (b) lists the authorities of the local coordinating entity. The subsection authorizes the local coordinating entity to use Federal funds to prepare activities recommended in the management plan for the heritage area, pay for operational expenses, make grants and enter into cooperative agreements, hire staff, obtain funds or services from any source, and contract for goods or services.

Subsection (c) prohibits the local coordinating entity from using Federal funds made available under this Act to acquire any real property or interest therein.

Subsection (d) states that nothing in this subtitle precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

Section 1205(a) requires the local coordinating entity to prepare and submit for review a management plan to the Secretary not later than three years after the date on which the funds are made available to carry out this Act.

Subsection (b) lists the requirements for the contents of the management plan.

Subsection (c) states that if the management plan is not submitted within the three-year period, Federal funding is suspended until the plan is submitted to the Secretary.

Subsection (d) requires the Secretary to approve or disapprove of the management plan within six months after the receiving the plan and lists the criteria the Secretary is to consider in determining whether to approve or disapprove the plan.

Section 1206(a) authorizes the Secretary to provide technical and financial assistance to the local coordinating entity to develop and implement the management plan.

Subsection (b) requires the Secretary to conduct an evaluation of the accomplishments of the national heritage area not later than three years before the date Federal funding authority terminates. The evaluation shall assess the progress of the management entity with respect to accomplishing the purposes of this Act for the heritage area and whether the management entity achieved the goals and objectives of the approved management plan for the heritage area. The evaluation is also required to analyze governmental investments in the heritage area to determine the leverage and impact of the investments. The Secretary is directed to prepare a report, based on the evaluation, that includes recommendations for the future role of the National Park Service, if any, for the heritage

area. If the report recommends that Federal funding for the area be reauthorized, it is required to include an analysis of ways Federal funding may be reduced or eliminated. The report is to be submitted to the House and Senate authorizing committees.

Section 1207(a) states nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

Subsection (b) encourages the head of any Federal agency planning to conduct activities that may have an impact on the heritage area to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent possible.

Subsection (c) clarifies that nothing in this Act shall modify any use or law authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency and it limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage area.

Section 1208 contains several savings provisions to clarify that the designation of the National Heritage Area will not affect private property rights, affect governmental land use regulation, reserve or appropriate water rights, diminish the authority of the State to manage fish and wildlife, or create any liability for property owners within the heritage area.

Section 1209(a) authorizes the total appropriations of \$10 million, with not more than \$1 million authorized to be appropriated for any fiscal year.

Subsection (b) states amounts made available under subsection (a) shall remain available until expended.

Subsection (c) requires Federal funding to be matched on a 50:50 basis with funds from non-Federal sources.

Section 1210 provides that the authority of the Secretary to provide financial assistance under the Act terminates 15 years after the date of enactment.

Title II—Northern Neck National Heritage Area Study

Section 2001(a) defines key terms used in this title.

Subsection (b) directs the Secretary of the Interior, in consultation with appropriate State, local, and private organizations, to prepare a study of the Northern Neck region in northern Virginia to determine its suitability for designation as a National Heritage Area. The subsection also provides specific requirements of the study, including consultation with other federal land managers within the study area.

Subsection (c) directs the Secretary, in consultation with the Governor of Virginia, to review, comment on, and determine if the study area meets each requirement for designation as a National Heritage Area. Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study. If the Secretary determines that the study area does not meet any requirement for designation as a National Heritage Area, the Secretary shall include in the report a description of each reason for the determination.

Title III—Technical Amendments

Section 3001 makes technical, clarifying, and conforming amendments to the Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554).

Section 3002 makes technical, clarifying, and conforming amendments to the John H. Chafee Blackstone River Valley National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 99–647)

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

H.R. 1483—Celebrating America’s Heritage Act

H.R. 1483 would establish the Muscle Shoals National Heritage Area (NHA) in Alabama and the Santa Cruz National Heritage Area in Arizona. The legislation would designate local nonprofit organizations as management entities for the proposed NHA’s and would authorize the appropriation of \$10 million, not to exceed \$1 million annually, for financial assistance to each of the nonprofits and other eligible local entities over the next 15 years.

CBO estimates that implementing H.R. 1483 would cost \$10 million over the 2009–2013 period and an additional \$10 million after 2013. Enacting the legislation would have no effect on direct spending or revenues.

H.R. 1483 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On October 10, 2007, CBO transmitted a cost estimate for H.R. 1483 as ordered reported by the House Committee on Natural Resources on September 26, 2007. Although both versions would create the Muscle Shoals and Santa Cruz NHAs, the estimated cost of the House version is much higher than that of the Senate version because the House version would also establish several other NHAs and increase the ceiling on authorizations of appropriations for nine existing NHAs.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1483. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1483, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 1483, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined by rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the April 23, 2008 hearing on H.R. 1483 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on H.R. 1483, as passed by the House, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes. The committee has asked us to only address specific sections contained within Title II through VI in our testimony. We should note, however, that the Department testified on May 15, 2007, in opposition to the sections in Title I that extend the authorization for federal funding for nine established National Heritage Areas. The Department has also cited concerns or recommended the committee defer action on other provisions included in H.R. 1483.

H.R. 1483, the Celebrating America's Heritage Act as passed by the House, has six titles related to National Heritage Areas. The Department will present its position on each of the specific sections within each of the five titles as requested by the committee.

Title II, Subtitle C would establish the Muscle Shoals National Heritage Area in the counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan in northwestern Alabama, and would designate the Muscle Shoals Regional Center as the local coordinating entity responsible for developing and implementing the management plan for the heritage area. The National Park Service is in the process of conducting a feasibility study, authorized by Public Law 107-348, to determine the suitability and feasibility of establishing this region as a National Heritage Area. We expect to complete the study later this year, at which time we will provide a recommendation on the suitability and feasibility of establishing the Muscle Shoals National Heritage Area. Until the study is completed, it would be premature to state a position on its designation as contained in this subtitle, so we recommend that the committee defer action on this provision.

Title II, Subtitle D would establish the Freedom's Way National Heritage Area that includes 37 Massachusetts and 8 New Hampshire communities northwest of Boston. This is a region that substantively influenced our democratic forms of governance and the development of intellectual traditions that underpin the concepts of American

freedom, democracy, conservation, social justice, and ethnic diversity. Its natural and community resources are exceptional examples of the rural beauty of the New England landscape.

A feasibility study and addendum was completed by the proposed management entity, the Freedom's Way Heritage Association, Inc., and reviewed by the National Park Service. The study found that the area met the criteria for designation as a National Heritage Area. However, the Department recommends that the committee defer action on this area and all other proposed heritage area designations until program legislation is enacted that establishes guidelines and a process for the designation of National Heritage Areas. In summer 2006, the Administration sent to Congress a legislative proposal to establish such guidelines and a process for designation. The National Heritage Areas Partnership Act, S. 278, was introduced during the 110th Congress and it incorporated the majority of the provisions of the Administration's proposal. We look forward to continuing to work with Congress on this very important issue.

With 37 national heritage areas designated across 27 states, and more heritage area legislative proposals in the pipeline, the Administration believes it is critical at this juncture for Congress to enact National Heritage Area program legislation. This legislation would provide a much-needed framework for evaluating proposed National Heritage Areas, offering guidelines for successful planning and management, clarifying the roles and responsibilities of all parties, and standardizing timeframes and funding for designated areas. Program legislation also would clarify the expectation that heritage areas work toward self-sufficiency by outlining the necessary steps, including appropriate planning, to achieve that shared goal.

Title II, Subtitle F would establish the Santa Cruz Valley National Heritage Area in southern Arizona, managed by the Santa Cruz Valley Heritage Alliance Inc. The proposed Santa Cruz Valley National Heritage Area encompasses approximately 3,300 square miles of the upper and middle Santa Cruz River watershed and the upper Sonoran Desert. It includes two units of the National Park System, Tumacacori National Historical Park which preserves a Spanish Colonial Mission, and Saguaro National Park which protects a diverse and picturesque area of the Sonoran Desert. The Juan Baptista de Anza National Historic Trail also crosses the heritage area's boundary. Both the Bureau of Land Management and the U.S. Forest Service manage extensive land within the proposed national heritage area.

A feasibility study was completed by the Center for Desert Archaeology and reviewed by the National Park Service. The study found that the area met the criteria for designation as a national heritage area. However, the Department recommends that the committee defer action on this area and all other proposed heritage area designations

until program legislation is enacted that establishes guidelines and a process for the designation of national heritage areas.

Title III, Section 3001 would direct the Secretary of the Interior, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, to conduct a study of the suitability and feasibility of establishing the Northern Neck National Heritage Area in the Commonwealth of Virginia to evaluate if it meets the criteria for heritage area designation. The Secretary would be required to submit a report to Congress, no later than three years after funds are made available, on the findings, conclusions, and recommendations of the study. The Department supports enactment of this title, however, we believe that any funding requested should be directed first toward completing previously authorized studies.

Title IV, Section 4006 would amend the Erie Canalway National Heritage Corridor Act (Title VIII of Appendix D of Public Law 106-554) with several changes to improve the operation of the federal commission. The Department supports these amendments.

Title V, Section 5001 states that it is the sense of Congress that the Federal Government should not fund a national heritage area in perpetuity. As outlined in the Administration's legislative proposal, and as included in S. 278 as reported by the Senate Energy and Natural Resources Committee, it is our expectation that heritage areas should work toward self-sufficiency with federal funding through the National Park Service limited to a 15-year period. The Department concurs with this provision.

Title VI, Section 6001 states that all designated and future designated lands within any natural heritage area for which funding is provided under this Act shall be exclusively governed by relevant State and local laws regarding hunting, fishing, and the possession or use of a weapon, trap, or net. Relevant State and local laws already apply to lands within a national heritage area and the majority of recently designated heritage areas include a provision in the authorizing legislation that state that nothing in a heritage area's designation diminishes the authority of the State to manage fish and wildlife including the regulation of fishing and hunting within the heritage area. However, the Department is concerned that there are federal lands within national heritage areas, including units of the National Park System, that do not allow hunting, fishing, trapping, or other wildlife harvesting activities. Under Departmental regulations, the National Park Service is already required to consult with State agencies on certain fish and wildlife management actions within national park units. We would recommend that the section be amended to exempt federal lands within national heritage areas from this requirement and we recommend that the reference be changed to "national" heritage areas to reflect the correct name of these areas.

Finally, we would like to work with the committee on amending this bill to include an additional title that would make a technical amendment to the John H. Chafee Blackstone River Valley National Heritage Corridor Act (Public Law 99–647) to allow ex officio or delegates of commission members to attend commission meetings on behalf of the State officials who sit on the commission. This is a standard provision in most recently established federal commissions, but was not included in the Act establishing the John H. Chafee Blackstone River Valley National Heritage Corridor, and this oversight has hampered the work of the commission.

Mr. Chairman, that concludes my testimony and I am prepared to answer any questions that you or other members of the committee might have at this time.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 1483 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

A.

Public Law 106–554 (Approved Dec. 21, 2000)

AN ACT Making consolidated appropriations for the fiscal year ending September 30, 2001, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. (a) The provisions of the following bills of the 106th Congress are hereby enacted into law:

- (1) H.R. 5656, as introduced on December 14, 2000.
- (2) H.R. 5657, as introduced on December 14, 2000.
- (3) H.R. 5658, as introduced on December 14, 2000.
- (4) H.R. 5666, as introduced on December 15, 2000, except that the text of H.R. 5666, as so enacted, shall not include section 123 (relating to the enactment of H.R. 4904).
- (5) H.R. 5660, as introduced on December 14, 2000.
- (6) H.R. 5661, as introduced on December 14, 2000.
- (7) H.R. 5662, as introduced on December 14, 2000.
- (8) H.R. 5663, as introduced on December 14, 2000.
- (9) H.R. 5667, as introduced on December 15, 2000.

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Appendix D—H.R. 5666

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Division B

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TITLE VIII—ERIE CANALWAY NATIONAL HERITAGE CORRIDOR

SEC. 801. SHORT TITLE; DEFINITIONS.

(a) **SHORT TITLE.**—This title may be cited as the “Erie Canalway National Heritage Corridor Act”.

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SEC. 804. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) **ESTABLISHMENT.**—There is established the Erie Canalway National Heritage Corridor Commission. The purpose of the Commission shall be—

- (1) to work with Federal, State, and local authorities to develop and implement the Canalway Plan; and
- (2) to foster the integration of canal-related historical, cultural, recreational, scenic, economic and community development initiatives within the Corridor.

(b) **MEMBERSHIP.**—The Commission shall be composed of **[27]** *at least 21 members, but not more than 27* members as follows:

(1) The Secretary of the Interior, ex-officio or the Secretary’s designee.

(2) 7 members, appointed by the Secretary after consideration of recommendations submitted by the Governor and other appropriate officials, with knowledge and experience of the following agencies or those agencies’ successors: The New York State Secretary of State, the New York State Department of **[Environment]** Environmental Conservation, the New York State Office of Parks, Recreation and Historic Preservation, the New York State Department of Agriculture and Markets, the New York State Department of Transportation, and the New York State Canal Corporation, and the Empire State Development Corporation.

(3) The remaining **[19]** members who reside within the Corridor and are geographically dispersed throughout the Corridor shall be from local governments and the private sector with knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resource management, conservation, recreation, and education or museum services. These members will be appointed by the Secretary as follows—

[(A)] 11 members based on a recommendation from each member of the United States House of Representatives whose district shall encompass the Corridor. Each shall be a resident of the district from which they shall be recommended.]

[(B)] (A) 2 members based on a recommendation from each United States Senator from New York State.

[(C)] (B) 6 members who shall be residents of any county constituting the Corridor. **[One such member shall have knowledge and experience of the Canal Recreationway Commission.]**

(C) The remaining members shall be—

(i) *appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and (ii) persons that are residents of, or employed within, the applicable congressional districts.*

(c) APPOINTMENTS AND VACANCIES.—Members of the Commission other than ex-officio members shall be appointed for terms of 3 years. Of the original appointments, 6 shall be for a term of 1 year, 6 shall be for a term of 2 years and 7 shall be for a term of 3 years. Any member of the Commission appointed for a definite term may serve after expiration of the term until the successor of the member is appointed. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. Members of the Commission, other than employees of the State and Canal Corporation, while away from their homes or regular places of business to perform services for the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed under section 5703 of title 5, United States Code.

(e) ELECTION OF OFFICERS.—The Commission shall elect the chairperson and the vice chairperson on an annual basis. The vice chairperson shall serve as the chairperson in the absence of the chairperson.

(f) QUORUM AND VOTING.—**[14 members of the Commission]** A majority of the serving Commissioners shall constitute a quorum but a lesser number may hold hearings. Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, however, any member voting by proxy shall not be considered present for purposes of establishing a quorum. For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(g) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or **[14 of its members]** a majority of the serving Commissioners. Notice of Commission meetings and agendas for the meeting shall be published in local newspapers throughout the Corridor. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(h) POWERS OF THE COMMISSION.—To the extent that Federal funds are appropriated, the Commission is authorized—

(1) to procure temporary and intermittent services and administrative facilities at rates determined to be reasonable by the Commission to carry out the responsibilities of the Commission;

(2) to request and accept the services of personnel detailed from the State of New York or any political subdivision, and to reimburse the State or political subdivision for such services;

(3) to request and accept the services of any Federal agency personnel, and to reimburse the Federal agency for such services;

[(4) to appoint and fix the compensation of staff to carry out its duties;]

(4)(A) *to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and*

(B) *to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates;*

(5) to enter into cooperative agreements with the State of New York, with any political subdivision of the State, or any person for the purposes of carrying out the duties of the Commission;

(6) to make grants to assist in the preparation and implementation of the Canalway Plan;

(7) to seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services, received from any source. For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States;

(8) to assist others in developing educational, informational, and interpretive programs and facilities, and other such activities that may promote the implementation of the Canalway Plan;

(9) to hold hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; the Commission may not issue subpoenas or exercise any subpoena authority;

(10) to use the United States mails in the same manner as other departments or agencies of the United States;

(11) to request and receive from the Administrator of General Services, on a reimbursable basis, such administrative support services as the Commission may request; and

(12) to establish such advisory groups as the Commission deems necessary.

(i) ACQUISITION OF PROPERTY.—Except as provided for leasing administrative facilities under subsection 804(h)(1), the Commission may not acquire any real property or interest in real property.

(j) TERMINATION.—The Commission shall terminate on the day occurring [10 years] 15 years after the date of the enactment of this title.

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SEC. 807. DUTIES OF THE SECRETARY.

(a) IN GENERAL.—The Secretary is authorized to assist the Commission in the preparation of the Canalway Plan.

(b) TECHNICAL ASSISTANCE.—Pursuant to an approved Canalway Plan, the Secretary is authorized to enter into cooperative agreements with, provide technical assistance to and award grants to the Commission to provide for the preservation and interpretation

of the natural, cultural, historical, recreational, and scenic resources of the Corridor, if requested by the Commission.

(c) **EARLY ACTIONS.**—Prior to approval of the Canalway Plan, with the approval of the Commission, the Secretary may provide technical and planning assistance for early actions that are important to the purposes of this title and that protect and preserve resources.

(d) **CANALWAY PLAN IMPLEMENTATION.**—Upon approval of the Canalway Plan, the Secretary is authorized to implement those activities that the Canalway Plan has identified that are the responsibility of the Secretary or agent of the Secretary to undertake in the implementation of the Canalway Plan.

(e) **DETAIL.**—Each fiscal year during the existence of the Commission and upon the request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties [with regard to the preparation and approval of the Canalway Plan.] Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(f) **OPERATIONAL ASSISTANCE.**—*Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.*

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SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—

(1) **CORRIDOR.**—There is authorized to be appropriated for the Corridor not more than \$1,000,000 for [any fiscal year] *any fiscal year, to remain available until expended.* Not more than a total of \$10,000,000 may be appropriated for the Corridor under this title.

(2) **MATCHING REQUIREMENT.**—Federal funding provided under this paragraph may not exceed 50 percent of the total cost of any activity carried out with such funds. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions, fairly valued.

(b) **OTHER FUNDING.**—In addition to the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary of the Interior such sums as are necessary for the Secretary for planning and technical assistance.

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B.

Public Law 99-647 (Approved November 10, 1986)

AN ACT To establish the Blackstone River Valley National Heritage Corridor in
Massachusetts and Rhode Island

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

* * * * *

SEC. 3 . BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Blackstone River Valley National Heritage Corridor Commission (hereafter known as the “Commission”) whose purpose shall be to assist Federal, State and local authorities in the development and implementation of an integrated resource management plan for those lands and waters as specified in section 2.

(b) MEMBERSHIP.—The Commission shall be composed of nineteen members appointed by the Secretary as follows:

(1) the Director of the National Park Service, ex officio, or a delegate;

(2) six individuals nominated by the Governors of Rhode Island and Massachusetts and appointed by the Secretary, who ~~shall be the the~~ shall be the Department of Environmental Management Directors from Rhode Island and Massachusetts, the State Historic Preservation Officers from Massachusetts and Rhode Island, and the Department of Economic Development ~~Directors from Massachusetts and Rhode Island~~ *Directors from Massachusetts or Rhode Island, ex officio, or their delegates;*

(3) four representatives of local government from Massachusetts and four from Rhode Island nominated by the Governor of their State and appointed by the Secretary, to represent the interests of local government; and

(4) two individuals, nominated by the Governor of Massachusetts and two individuals nominated by the Governor of Rhode Island appointed by the Secretary, to represent other interests each Governor deems appropriate. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

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